

National Transportation Safety Board (NTSB)
Justification for Other than Full & Open Competition (JOFOC)
Apple iPhone 5

1. Program Office/Procurement Request

Office of Chief Information Officer, Computer Services Division, CIO-10

2. Nature of Action

The purpose of this Justification for Other than Full and Open Competition (JOFOC) is to provide the documentation and statutory authority for awarding a contract 1) without providing for full and open competition, and 2) for brand name only for Apple iPhone 5 to Verizon Wireless.

3. Description of Requirement

This requirement is for the acquisition of Apple iPhone 5 devices. These Apple devices will replace the NTSB's existing blackberry devices, which have been failing both at inopportune times and at an unacceptable rate. The NTSB requires effective, reliable and stable communication capabilities to carry-out its primary investigative mission and to ensure employee safety in remote locations.

4. Statutory Authority:

FAR 13.106-1(b)(1), Soliciting from a single source. Contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization).

5. Unique Qualifications/Circumstances of Requirement.

NTSB investigators require mobile access to carry out their primary mission of investigating accidents in the transportation sector. The NTSB has an existing contract in place for wireless (cellular and data) services with Verizon Wireless. This contract does not include hardware such as cell phone devices. The NTSB previously incurred expenses to purchase blackberry devices from Verizon Wireless through a separate contract vehicle. As a result of these purchases and the NTSB's contract for wireless services, Verizon Wireless offers device refreshes (replacement of existing devices with newer models) on an eleven (11) month schedule at no additional cost to the NTSB. Due to performance issues with the blackberry devices, the NTSB desires to transition to a different device under Verizon's device refresh program.

The NTSB desires to transition from use of the blackberry device to the iPhone 5. The NTSB is a small organization with limited resources. As such, it needs to standardize on a minimum number of operating platforms. The NTSB currently utilizes Apple iPad devices and operational support is already in place to support Apple's IOS operating system. Additionally, other supporting software required to transfer required functionality from blackberry devices to iPhones is currently in use by the NTSB and minimal additional software will be necessary to support the transition to the iPhone 5.

The iPhone 5 has been determined to be the only device that meets the dual requirement of availability from the existing wireless vendor and is currently supportable by existing staff resources. The NTSB also anticipates the benefit of synching of the iPad devices and the iPhone devices, allowing users to seamlessly transition between the use of multiple platforms while retaining the same applications and capabilities.

While Verizon Wireless has offered free refreshes of blackberry devices, it does not offer iPhone 5 devices for free under its refresh program. Verizon Wireless, instead, is offering the NTSB a significant discount on the price of the iPhone 5 devices to account for the expenses incurred previously by the NTSB to purchase blackberry devices from Verizon Wireless. Market research indicates that no other sellers of the iPhone 5 offer comparable pricing. Additionally, because Verizon Wireless is the current provider of wireless services to the NTSB, it offers the additional benefit of transferring current phone numbers and accounts utilized by NTSB employees that utilize blackberry devices to the iPhone 5 device prior to shipping to the NTSB. These provider services are uniquely offered by Verizon Wireless due to its current contractual relationship with the NTSB and will reduce the burden on NTSB resources to set up and initiate the iPhone 5 devices.

Based on the rationale above, Verizon Wireless is the only reasonably available source that can provide the iPhone 5 devices and offer the services to transfer numbers and set up devices. The iPhone 5 has been determined to be the only device that meets the dual requirement of availability from the existing wireless vendor and is currently supportable by existing staff resources. Purchase of a device other than the iPhone 5 will require staff resources and additional software platform purchases that are not currently available. Purchase of the devices from another source would cause the NTSB to incur significant duplication of costs and require significant internal resources to manage the set up and initiation of the devices.

6. Efforts to Determine Only One Source

Market research was conducted to determine if other than Apple iPhone 5 product could support the NTSB requirement. For reasons specified above in paragraph 5, the iPhone 5 has been determined to be only device that meets the dual requirement of availability from the existing wireless vendor and is currently supportable by existing staff resources. Market research has also revealed that other sellers of the iPhone 5 do not offer pricing comparable to Verizon Wireless. Due to the NTSB's contractual relationship with Verizon Wireless for wireless services, Verizon Wireless will manage the implementation of the iPhone 5 to NTSB users and significantly reduce the administrative burden on NTSB resources. Market research will be considered for future acquisitions to identify new or improved products that meet or exceed requirements.

7. Contracting Officer's Determination

I have reviewed the information in this JOFOC and determined that based on the information provided, the anticipated cost of any subsequent award for the identified

Apple iPhone 5 products would be fair and reasonable and is in the best interest of the Government.

8. Market Research

The NTSB reviewed the market for new tools and technology to integrate with the existing platform while also meeting the needs of performance, portability, and most importantly, compatibility. The NTSB also surveyed the market via the internet to research the price of iPhone 5 devices offered by other sellers.

9. Other Pertinent Information

N/A

10. Interested Sources

This requirement will be awarded under the current Blanket Purchase Agreement (BPA) that NTSB has with Verizon Wireless for wireless services under GSA Schedule GS-35F-0119P. The devices are considered open market items and will be procured in accordance with FAR 8.402(f).

11. Efforts to Remove Barriers to Competition

This open market requirement will be posted on FBO in accordance with FAR 5.102(a)(6), 5.207, and 6.305(c). All responsible sources may submit a capability statement or quotation.